

TITLE 1: GOVERNMENT AND ADMINISTRATION

DIVISION 3. PERSONNEL

Chapter 4: STANDARDS FOR CONDUCT FOR COUNTY OFFICIALS

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STANDARDS OF CONDUCT FOR COUNTY OFFICIALS

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13. 0401 Introduction.

All County officials should be held to high standards of conduct as provided in Rule I of the County Personnel Rules. These standards should strengthen public service and maintain and promote the faith and confidence of citizens in County government. The purpose of this chapter is to reiterate the standards of conduct that are contained in Rule 1 of the County Personnel Rules and to make it clear that the standards of conduct apply to elected County officials as well as non-elected County officials. This chapter also addresses the responsibility of department heads for the operation of their departments. Finally, this chapter addresses the supervision of County officers and their removal.

Amended Ordinance 3875 (2002)

13.0402 Standards of Conduct.

All County officials shall adhere to the following standards of conduct:

(a) Responsibilities of Public Office. Public officials and employees are agents of the public purpose and serve for the benefit of the public. They shall uphold and adhere to the Constitution of the United States, the Constitution of the State of California, the Charter of the County of San Bernardino, rules, regulations and policies of the County, and shall carry out impartially the laws of the Nation, State, and County. In their official acts, they shall discharge faithfully their duties, recognizing that the public interest is paramount. All Public officials and employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their position and consistent with the law.

(b) Dedicated Service. In the performance of their duties, all officials and employees shall support governmental objectives expressed by the electorate and the County programs developed to attain these objectives. Officials and employees shall adhere to work rules and performance standards established for their positions by the County. The County requires all officials and employees to use good manners, to be considerate, to be accurate and truthful in statement and to exercise sound judgment in the performance of their work. During the hours covered by active County employment, no official or employee shall work for any other employer or agency, and neither conduct nor pursue any unauthorized activity for remuneration. Officials and employees shall neither exceed their authority nor breach the law nor ask others to do so. They shall work in full cooperation with other public officials and employees unless prohibited

from so doing by law or by officially recognized confidentiality of the work.

(c) Nondiscrimination. No official shall grant any special consideration, treatment, or advantage to any person beyond that which is available to every other person in similar circumstance. No person shall be favored or discriminated against with respect to any appointment in the County service because of family or social relationships, sex, race, religion, national origin, marital status, age, physical handicap, political opinion or political affiliation.

(d) Confidential Information. As appropriate, every official shall make known to subordinates which information is regarded as confidential. No official or employee shall neither disclose such confidential information except as authorized or required by law or office nor otherwise use such information for personal gain or benefit. All personnel records shall be confidential except when disclosure is required by law.

(e) Use of Public Property. Officials are prohibited from using County-owned equipment, materials, or property for personal benefit or profit unless specifically authorized by the Board of Supervisors as an element of compensation.

13.0403 Responsibility for Operation of Department.

All department heads, elected or appointed, are responsible for the operation of their respective departments. Department heads will be held accountable for the actions of their department personnel including actions which expose the County to risk of loss or actual losses by way of injury to third parties. The Board may determine with respect to a specific incident or loss, that the responsibility for payment of that loss lies with the department and such loss will be paid out of the responsible department's budget rather than paid out of general County contingency reserves. The purpose of this section is to hold departments responsible for losses which should have been prevented through sound management practices.

This section shall not be applied to interfere with the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and the district attorney.

Amended Ordinance 3875 (2002)

13.0404 Supervision/Removal of County Officers.

(a) General Supervisory Authority

Section 25303 of the Government Code of the State of California provides that the Board of Supervisors shall supervise the official conduct of all County officers. The Charter of the County of San Bernardino provides that the Board of Supervisors may remove any County officer other than a Supervisor by a 4/5th vote, for cause. The Board of Supervisors' responsibility in this regard is to insure that all County officers faithfully perform their duties and that the conduct of these officers meets the high standards required by state law, County ordinance, and County policies.

(b) Removal of Elected County Officers other than County Supervisors.

The removal of an elected County officer is an extraordinary act and should occur in only the most egregious of circumstances and only when the interests of the citizens of the County cannot be reasonably served by any other means. These circumstances include the exposure of the County, or its employees, to irreparable harm.

(c) Removal/Definition of Cause

Section 6, Article II, of the San Bernardino County Charter provides as follows:

“Any County officer other than supervisor may be removed from office in the manner provided by law; also any such officer may be removed by a four-fifths vote of the Board of Supervisors, for cause, after first serving upon such officer a written statement of alleged grounds for such removal, and giving him a reasonable opportunity to be heard in the way of explanation or defense.”

For purposes of Section 6, Article II, “cause” shall be defined as

- (1) Flagrant or repeated neglect of duties.
- (2) Misappropriation of public property.
- (3) Violation of any law related to the performance of the officer’s duties.
- (4) Willful falsification of a relevant official statement or document.

Repealed by Ordinance 2498 (1980); Adopted Ordinance 3863 (2002); Amended Ordinance 3875 (2002);